

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Benigno Santiago-Becerrill,
Petitioner,

v.

United States of America,
Respondent.

CASE NUMBER: 98-2125 (HL)

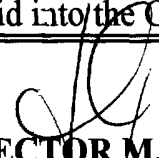
MOTION			RECEIVED & FILED 99 OCT 18 PM 12:34 CLERK'S OFFICE U.S. DISTRICT COURT SAN JUAN, P.R.
Date Filed: 8/13/99	Docket #	<input checked="" type="checkbox"/> Plffs <input type="checkbox"/> Defts	
Title:			
Opp'n Filed:	Docket #		
ORDER			

The Court has received Petitioner's motion under 28 U.S.C. § 2255.

While the First Circuit has not yet addressed the issue, a number of other Circuit Courts of Appeals have concluded that 28 U.S.C. § 1915's filing fee requirement does not apply to petitions for writs of habeas corpus under 28 U.S.C. § 2255. See, e.g., *Blair-Bey v. Quick*, 151 F.3d 1036 (D.C. Cir. 1998); *In re Phillips*, 133 F.3d 770 (10th Cir. 1998); *Kincade v. Sparkman*, 117 F.3d 949 (6th Cir. 1997); *Anderson v. Singletary*, 111 F.3d 801 (11th Cir. 1997); *United States v. Simmonds*, 111 F.3d 737 (10th Cir. 1997); *United States v. Cole*, 101 F.3d 1076 (5th Cir. 1996); *Santana v. United States*, 98 F.3d 752 (3rd Cir. 1996); *Martin v. United States*, 96 F.3d 853 (7th Cir. 1996); *Liriano v. U.S.*, 95 F.3d 119 (2^d Cir. 1996). Thus, Petitioner should not have been required to pay a filing fee. The Clerk of the Court shall refund to Petitioner the \$150.00 filing fee that he paid into the Court.

Date

10/17/99


HECTOR M. LAFFITTE
Chief U.S. District Judge

Rec'd:

EOD:

By:

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